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OFFICE OF PETITIONS

In re Application of
Steven D. Linscombe
Application No. 10/712,896
Filed: November 13, 2003
Attorney Docket No. 03A1 Linscombe
Title: RICE CULTIVAR DESIGNATED
'CHENIERE'

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DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed February 14, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed July 15, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained, and no responses were received. Accordingly, the above-identified application became abandoned on October 16, 2005.

The present petition was received on February 14, 2006, along with the petition fee. Petitioner has concurrently submitted a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 as well as the associated fee and the proper statement of unintentional delay. No terminal disclaimer is required. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The concurrently submitted amendment shall serve as the required submission.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

As such, the petition is **GRANTED**.

As stated above, a terminal disclaimer is not required. As such, the terminal disclaimer which Petitioner has submitted will not be entered, and the associated fee will be credited to Petitioner's deposit account, as authorized in the petition.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment of February 14, 2006 can be processed.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

A handwritten signature in black ink, appearing to read "Paul Shanowski". The signature is fluid and cursive, with a large initial "P" and "S".

Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office